



THE TRUTH
ABOUT THE
Propaganda's Estates.

BY
A. A. NOBILE,
Teacher of French and Italian,

REPLY TO THE PAMPHLET "SPOILIATION OF
THE PROPAGANDA'S ESTATES."

IN ENGLISH AND FRENCH,

TORONTO :
J. S. WILLIAMS, PRINTER, 35 ADELAIDE ST. W.
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TO THE ROMAN CATHOLIC CANADIANS.

PASSING a few days in Montreal, my eyes fell on a pamphlet entitled "Spoliation of the Propaganda's Estates." The name of Laval University, which appeared on the cover of the pamphlet, attracted my attention. Living in Toronto, and being occupied in teaching my language, I seldom had the opportunity of reading the news of my beloved country. I was then very happy to seize this occasion to learn something about it; consequently I bought the pamphlet, and I began to read it with eagerness.

From the very first pages I was surprised, and my astonishment increased as I progressed in my reading. "Is it possible," I said to myself, "that the Italian Government is denounced in such a strong manner? Will no one undertake to justify it?"

An inward voice, which I was unable to disobey, said to me, "Answer, and follow the feelings of your conscience,"—and this is how I resolved to write these few pages.

One thought made me hesitate,—Shall I be believed? This hesitation was soon overcome, and I searched for official documents.

Canadians, I come to beg a favour which I hope you will not deny me. Read the defence as you have read the accusation.

Those who were prosecuting, were men you know very well, while I am a stranger. This is true; but on my side I have a very formidable and powerful ally,—TRUTH.

I come not to annoy you with lamentations or insults, I will only try to rectify mis-statements.

The distance which separates Canada from my country,—the lack of correct and detailed reports,—and the persevering work of those who have an interest in representing to the public the actions of the Italian government under the worst aspect,—have produced this strange effect. Even among the most intelligent men some have given faith to the complaints uttered by those who, being bitter enemies to the Italian government, do not let pass any occasion to arouse against it enemies, and to make a noise. As for these provokers, I do not see any possibility of persuading them,—their hatred will end only with death; but amongst you Canadians are many who, although suffering for the position in which the church has placed herself by her obstinacy, yet are anxious to know the truth.

It is for you I am writing these few pages.

Since I came to Montreal a great number of Catholics, sympathizing with Italy, have questioned me as to whether all that had been said, in the famous meeting of Laval University, was true. Well, then, before you form your own opinion it is your duty to hear and read the

pro as you have heard and read the *contra*. I rely on your impartiality.

I have silenced all my patriotic feelings, and I have told myself that to acquaint other people with the truth, and to calm the conscience, is the noblest mission to which man can aspire.

I shall be happy if the reading of this pamphlet will accomplish the proposed aim. With this hope I remain,

Yours truly,

A. A. NOBILE,

Toronto, November, 1884.

THE TRUTH

ABOUT

THE PROPAGANDA'S ESTATES.

THE pamphlet which has forced me to publish these few pages contains speeches made by illustrious gentlemen who rightly enjoy a well deserved renown for their talents and extensive knowledge. Having already explained in my preceding letter my aim, I shall forthwith take up all the passages which need refutation as being completely at variance with the true facts, and then add a few words about the general question. Before I begin I think it my duty to make two declarations.

First.—That as much as possible I shall try not to answer the insulting words addressed to my country. In the second place I must express to my readers the painful impression felt in reading the pamphlet entitled "Spoliation of the Propaganda's Estates," and the surprise which seized me, on seeing the manner in which gentlemen so well educated could employ such strong and insulting words, when they become influenced by passion.

The Rev. T. H. Hamel, V.G. of Leval University, where the aforesaid meeting took place, commenced and ended the disputations against the government of Italy.

In his first speech he explained the object of the meeting, and with the exception of the gratuitous insinuation "that the Italian government perceiving that there was money to be made began to execute the conversion of the Propaganda's Estates," I see nothing deserving a direct answer.

I declare, and maintain that the Italian government has not made, and does not make, any gain by the said conversion; because the price which it obtains by the sale is entirely in favour of, and at the free disposal of the congregation. The government does not take the least portion of the said price on whatever title it may be held, without collecting the exceptional tax of mortmain, 30 per cent, which the government exacts in every other province on the sale of the Church's estates.

To the Rev. Mr. Hamel follows the Hon. M. G. Tessier, L.L.D., Judge of the Court, etc., etc., who moved the following:--

"That the act of assimilating the propaganda to the other corporations or religious communities comprehended in the law of conversion of the year 1873 as has been done by the court of appeal in Rome, is in every respect against the legal meanings of the said law."

Choosing not to discuss your words which receive their answer in the motives for the sentence of the superior court (see the pieces at the end), I shall only point out some of your inaccuracies.

In the first place, M. Tessier, I will remark to you that

if the law of the year 1866 was an iniquity, it is not for M. Tessier or any other person to oppose what has been decreed by a legislative body of a friendly nation in reference to the internal questions of the country.

When the Italian troops entered Rome, when the temporal power of His Holiness was declared fallen, the Roman people, or, if that please Mr. Tessier better, the subjects of the Pope, by their vote declared their wish to be annexed to the young kingdom of Italy. It was logical that the same laws existing in the other Italian provinces ought to be also applied to the Roman province; nevertheless, before proceeding to the application of the law of 1866, the honest government of Italy, on account of the exceptional conditions of Rome, framed a new bill and submitted it for the consideration of the Parliament. The law of the year 1873 was, therefore, not an increase of injustice, as you are pleased to call it, but on the contrary was a chivalrous generosity toward the religious corporations of the old province of Rome.

The Italian Government could have avoided a new discussion—the annexation giving, as a natural result, the assimilation of the law; and the Communities of the Roman provinces would have had nothing to do but submit.

Allow me now to correct another inaccuracy of a greater importance.

“Nobody thought,” you say, “that this law could reach the Propaganda, especially when the word of Victor Emmanuel seemed to have been formerly pledged; for ten years the government had acted as if the law of the year 1873 had not included the Propaganda.”

In this sentence there are three mis-statements.

First.—Nobody thought that this law could affect the Propaganda.

What, Mr. Tessier,—you a judge,—you a professor of the law,—and yet not acquainted with the parliamentary debates which took place on the occasion of the law of the year 1873? Allow me to doubt it; and if such is the case, permit me to remind you of these debates,—and more especially to enlighten the good people of Canada, who, in reading your speech, might have believed it implicitly. When the bill was presented, it contained an article aiming at the exclusion from the conversion of the estates belonging to five stately Churches and those of the Propaganda. This matter was then brought before Parliament, and to assert “that nobody thought it could reach the Propaganda,” is to assert something contrary to truth; and you, Judge Tassier, in spite of yourself, will agree with me, if you would have for a little the patience to consult the reports of the parliamentary debates of the year 1872 and 1873.

The exclusion of the six mentioned corporations seemed exaggerated, and the article excluding from the conversion was superseded by another one, tending to suspend it, with the reserve to be provided afterward by another law.

How is it, that after all these discussions, and all these proposed and discussed articles about the Propaganda,—how is it that you, sir, dare to assert before the Canadian people that “*nobody* thought of it?” I leave your countrymen to judge between truth and falsehood.

In the month of July, 1873, while the preliminary dis-

cussion of the said bill was pending, the idea of exclusion was again brought forward ; but after a mature consideration of the question, it was concluded that there was not sufficient reason to exclude from the conversion the estates of the aforesaid congregation.

And do you know, Hon. Judge, the reason of such a step, which seems to you so unjust ? It was not in order to spoliage the religious corporations of their properties ; but in order not to perpetuate and increase the mortmain,—by everybody acknowledged to be the cessation of every economical progress and the principal cause of the country's non-progressiveness and of the *maluria* which exists in the Roman provinces.

Thus, Hon, Judge, at the presenting of the bill before Parliament, Art. xvii of the law of the 19th June, 1873, was substituted for the Article which asked the exclusion from conversion of the estates of the said five stately churches, as well as those of the Propaganda.

On that occasion a few concessions were made as follows :—

First.—That the corporation could themselves execute the said conversion, provided that before three months they should make a declaration before the Committee appointed for the liquidation of the Ecclesiastical estates.

Second.—That these corporations could accept in price of the sale, not only the state's rents' certificates, but even titles of Credit Foncier, and of other three establishments of credit.

Third.—That land capable of amelioration could be excluded from the conversion and could be given in tenancy.

During the debates which took place in Parliament, the Propaganda and the other five stately Churches, were more especially spoken of. After having called forth these reminiscences, I dare believe that you, M. Tessier, in spite of yourself, will do me the justice to acknowledge that the thought that this law could reach the Propaganda came to *everybody* and not to *nobody*,—that the law was fully debated,—that notwithstanding the sympathies for the establishment of the Propaganda, for the reasons already exposed, it was decreed not to make any exception in her favour, and nobody has the right to attack that decision by altering the facts and deceiving the Catholic populations.

Second.—“The word of Victor Emmanuel seemed formally pledged.” He who has deserved the name of Galantuomo, or “honest man,” is above your insinuations. If his word had been pledged, be sure he would have kept it. “*Seemed*” is a word which affirms nothing whatever.

Third.—For ten years the Government has acted as if this law did not concern the Propaganda.”

I am very sorry to say it, but nothing, Hon. Judge, is less true than that. Oh! It is not I who would be so bold as to belie you. No, the facts speak for themselves; and for a second time I let the Canadians, and all who love truth, judge between you and me.

Quite contrary, then, to your assertions, the conversion of the estates is an operation which began almost immediately after the promulgation of the law of 19th June, 1873, was pursued during many years without any opposition from the congregation of the Propaganda.

Where are the ten years you spoke of? The first sale

of the estates belonging to the Propaganda was advertised for the 8th day of August, 1874. The 6th of August in the same year, the Propaganda, by a bailiff's act, summoned before the Court the Committee nominated for the settlement of the clergy's estate, in order to be excluded from the conversion and to annul the sale. Notwithstanding this summons the sale took place; and the Propaganda, not urging her opposition, the complaint was withdrawn from the roll.

Since then, and till to-day, ninety-four estates belonging to the Propaganda have been sold, and this without any new opposition. This shows that since the year 1874, or about one year after the promulgation of the law of 1873, till the year 1880, the sale had progressed with the most perfect accord between the Committee, settler, and the Propaganda's congregation,—contrary to your words that “for ten years the Government had acted as if this law did not concern the Propaganda.” It was only in the year 1880 that the Propaganda revived the old opposition which superseded the sale, and for which lately the Supreme Court had given its sentence.

How does it happen that an operation, which, during six years was acknowledged a regular one, at least by the silence with which it was accepted in all its consequences, and which already had been accomplished for more than half of the immovable capital,—how does it happen I say, that to-day the same operation is examined and debated with so much hatred and bitterness, and it is treated as a spoliation?

I will not try to answer this question, contenting myself with having proved beyond doubt that your assertion

was completely erroneous. As for the motives, which might have influenced the Propaganda to supersede and withdraw the first opposition we may find them afterward.

I proceed now with the eloquent speech of M. Chase Casgrain.

After an introduction, which is a short compendium of the history of the sacred rights of property, M. Chase-Casgrain attacks the wretched offspring of the Roman juris-consults, and charges them with having changed the laws respecting property. If it pleases us," he ironically pursues, "to take away from you your lands, your houses, your palaces, we will do it; and we will give you certificates for rent which we will pay at our pleasure."

Thus, then, dear professor, with those words you try to insinuate that the Italian government does not respect the rights of property. This ironical invective could have been witty if it had been just and true, unhappily it is neither true nor just, and, *ergo*, ridiculous.

The Italian Government does not rob, the Italian Government does not touch the Propaganda's properties.

The immovable were converted before the sentence of the Court, and they will still continue to be converted after; and here I must more particularly call the attention of my readers to the falsity of the statement that the Italian Government has seized the Propaganda properties.

I will explain myself more clearly with an example.

Let us suppose that one amongst my readers should receive in legacy, a house which the law forbid him to possess, and that in accordance with this law the Government

should put this house up at auction. Let us suppose also that this house should have been estimated at a value of a thousand Dollars, and that sold at auction by the government, it should realize the sum of one thousand five hundred Dollars, for which sum the government would give him so many certificates of rent.

Friends, do you believe that this man would go every where crying that he had been robbed and dispoiled? And if he did act in such a manner, would you not consider him a fool?

With the difference of the proportion, this is just what has happened with the Propaganda's estates. It may be that you will question my assertion—nevertheless, it is right. Facts are needed, will you also reject them? I shall now cite them; and the professor is free to contradict me if he can.

The first estate put up to auction was the villa Mortalto, in Frascati. This house had been estimated at a value of 107,000 francs, or between twenty and twenty-two thousand dollars. It was sold for 327,000 francs, or about sixty-five thousand dollars. Friends, Canadians, if you had the chance to do such a good business, would you have the impudence to go about clamouring that he who had sold your house had robbed you? A little above I told you that the summons taken on the 6th of August, 1874, by the Propaganda's congregation was afterwards withdrawn. I told you that perhaps we would find the apparent motive or explanation for such a strange step. Well, then, do not guess it. The splendid advantage or profit obtained by the sale must have been the cause of the withdrawing of the summons. The rest of the ninety

four lots already sold had given 2,857,940 francs, against 2,191,292 francs (their estimated value)—leaving a profit of 666,645 francs, or nearly \$133,000. If the Propaganda, in this conversion which the Government was obliged to execute in accordance with the law, had suffered a loss, why let six years pass without opposing it? If, instead of waiting till the year 1880, the Propaganda had immediately addressed itself to the Courts, the sale of the estates would have been suspended, and the Supreme Court would long since have given the same sentence, for which now you are so clamouring.

In the aforesaid quotation, you said that "the government would pay the rent at its own pleasure;" trying to insinuate to those who do not thoroughly understand this difficult question, that the Propaganda is forced to receive the certificates of public rent. Well, this is also inaccurate. If the Propaganda has no faith in the rent of the state, as I said before, it could choose certificates of Credit Foncier, or other bonds from five different Credit institutions having nothing to do with the government. If, then, the Propaganda chose the state's certificates was not such choice made in spite of all the clamour raised outside of Italy, and did it not prove that the Propaganda had confidence in the State's certificate of rent? Why then, dear professor, try to make others believe that which is not true? But, even if it was true, that the Propaganda is obliged to receive the State's certificates of rent, it will only be in the same condition as the thousands and millions of persons who hold the same kind of stock. Farther on in your speech, dear professor, a cry escapes you, which has found a profound

echo in my heart,—“With what right,” you exclaim, “could the State seize that which belongs to the citizens?”

My mind wandered back to the past years. I thought I saw thousands of hungry shadows dying in terrible agonies of want, pronouncing before you the same cry that you have uttered now, without any cause. How many unhappy ones, under the paternal rule of the Pope, without any crime or offence, have lost their goods acquired with great toil. In order to defend my government so publicly and so basely slandered, I could, in my right to make use of reprisals, recite the acts of *true* and not *fictitious* spoliations, executed by the orders of him who ought to be the father of all. But I will remain calm, and only endeavor to convince my Canadian brethren of your errors.

Excited by passion, blinded by hatred, you see in the Italian government not only the enemy of the Pope, but even the enemy of religion. You add insinuatingly that “in order to destroy the faith, people have forged a new weapon,—hunger.” “Let us take away from the priests,” you say, “let us take away from the religious communities, let us take away from the Pope, every means of subsistence.”

Truly professor, all this abuse serves but to make me smile with pity, and I would not answer it, if I had not wished to convince Canadian people, who are so far from my country, and who are daily receiving false reports. Oh! how many thousands of poor Canadians who truly suffer need, would be only too happy to suffer the hunger of His Holiness! We are used to such false reports; and

your words but remind me of the unhappy wretch who, in order to live without work, had imagined that he could sell to the too credulous catholics of Belgium and France the straw of the dungeon of Pius IX. If your reports, if your insinuations, could have any effect upon the Canadian people,—which I cannot believe,—that same man, crossing the Atlantic, might acquire a fortune by selling here in Canada the straw of the prison of Leo XIII, and the hard bread which the Italian government gives to His Holiness to eat.

Further on, another cry issues from the depth of your heart,—a cry which must have been uttered and repeated by the thousand victims of St. Bartholomew and the Inquisition. “But since I cannot profess my religious faith, since you take away from me the means of performing, and practising the ceremonies of my faith, which I believe necessary, am I free?”

Well, I have promised to be calm, I have promised to show merely the truth, in order that Canadians may be convinced. Was it not for the safe-keeping of this promise, with the history of the past in my mind, I would answer you very differently.

Then follows the Hon. M. C. F. S. Langelier, LL.D., mayor of Quebec, and Professor of Law. Mr. Langelier tries to insinuate, that to treat the Propaganda's estates, as if they were national property, is an outrage to international law. I freely admit that the patrimony of the Propaganda is formed by contributions furnished by all the catholics of the world,—but did any one touch the Propaganda's estates? You say that they belong neither to Rome, nor to Italy. Let it be so,—they belong to a

person called Propaganda,—but this person is subject to the Italian laws. Those laws forbid her to possess,—and she cannot possess. Those laws permit her to transfer the estate into stocks, but no one dares to touch, nor cares to touch, those stocks. If you argue from false premises, how can your deductions be true? You persist in considering as a spoliation that which is not such, and then you clamour against this spoliation in the same manner as Don Quixote fought against the wind-mills, taking them for so many enemies.

You persist in maintaining that the Italian Government has not the right to touch the residences of the English, American or other legations. Rightly, but if in Italy, as in some other countries, there existed a law which forbade foreigners from possessing any sort of estate, and that in spite of this law they bought some; do you believe that the Government would not force them to respect and obey the law?

You further say, "They cannot be sold without the consent of the parties interested."

How is it possible you can speak in such a way? Who has taught you so to interpret the law, which is explicit on this point? And, after all, Mr. Langelier, you try to excite the passions of your Canadian brethren. From a premise which is not true you conclude that in robbing the Propaganda it is as if the Italian Government were robbing the Catholics of all the world, and you endeavour to induce the people to protest to the English Government. Let them do so, I have nothing to say to the contrary, and in your speech I do not see anything else which deserves a direct answer.

I now come to the beautiful speech of Mgr. Benjamin Paquet, L.S.D., Dean of the Theological faculty. I read it with gladness on account of its moderation. Yes, Mgr. Paquet, you have been grand; all that you have said I feel myself, and I am convinced that Her Majesty, our good queen Marguerite,—that our Sovereign, the King Humbert,—that the Ministers, and the greater portion of the Italian people, would, with all their hearts, re-echo these well deserved praises of those courageous ones of the Propaganda,—who, obeying the teaching of their Divine Master, Jesus, instead of remaining in the midst of the luxuries of life, go amongst savages at an enormous distance, and risk their own lives in order to carry to them the light of civilization. A great number of these young men, you say, come out from the Propaganda's Seminary. I fully agree with you there. But do you truly believe that on account of the conversion of their estates, and the sentence of the Supreme Court, that they can no longer pursue this divine work? No, Mgr. you know, as well as I, that nothing is changed in the conditions of this institution. You know very well that your proposition containing the words, "outrages to true civilization," cannot be supported. You know as well as I, that the estates are not of an absolute necessity for the propagation of the Gospel. You know that stocks negotiable are as valid as the estates. Have the English, the Presbyterian and the Methodist Churches—which, with the Catholic, divide the difficulty of the missionary work,—any estate appointed to that purpose? No; every year they have a report of all the millions that Christian faith gives them to pursue their great mission. Why, then, moved

by passion, should you mislead yourself, and try to mislead others?

In reading the speech which follows that of Mgr. Paquet, I ask myself with sadness, if it is possible that this speech had really been delivered to, and heard by, an audience composed of literary men, gentlemen and ladies? How is it, Professor Wells, in your three pages and a half of invective against the Italian government, you have made use of only thirteen insulting words? Here is your charming vocabulary,—“crafty pretention,”—“sacrilegious hand,”—“parliament composed in the greatest part of sectaries and impious,”—“cursing law,”—“monstrous conduct,”—“iniquitous spoliation,”—“false air of honesty,”—“legal plunder,”—road of iniquity,”—“mean and crawling magistracy,”—hypocrisy badly disguised,”—“deceitful declarations,”—“hateful attempt.”

Thirteen insults in three pages and a half is not bad. I am only astonished that at that meeting there was no one present to protest against your words. But I leave all these epithets to come at facts.

You try to prove that the conversion of the estates exposed the Propaganda to complete ruin. Where are your arguments,—your proofs? You have none. Your only help are the words of the Cardinal Simeoni, expressed in a letter addressed to the bishops of the world. “This sentence,” said he, “strikes at the Propaganda; be it by exposing her to dangers,—to see her fortune in part or totally perish in consequence of events not very impossible,—be it by subordinating the payment of these rents to the arbitrary will of the ruling party,—which is submitting them to the most deplorable uncertainty. It

strikes her, especially because it takes away from her the free disposition of the capital she needs for the character of the initiative which is inherent to her nature, and for the frequent occasions imposed by the duty of supplying the extraordinary wants of the different missions."

Well, Mr. Wells, cheer up, and let the Cardinal Simeoni be reassured! but what do I say? His Eminence is completely reassured on this subject. It is the Canadian people that I must endeavor to reassure. Cardinal Simeoni well knows how the Propaganda had, has, and will have the free disposal of her money. Already thirty seven times the Propaganda without any protestation, without condescending to do anything against her own will, through the medium of her secretary, has asked the necessary authorization to obtain the transfer of the titles, and she has obtained it without the slightest difficulty, or without having been refused a single time,—it not being considered as a refusal, that when in its own interest, the Congregation judged right to retire its own postulatam.

For the edification of Mr. Wells, and in order that the Canadian people may be convinced that I desire only to speak the truth, the reader will find, as confirmatory facts, the list of the thirty-seven demands with their dates and details.

Now, does Mr. Wells know when the last authorization was given? It was granted at the request of Mgr. Jacobini, on the 11th day of February, 1884,—that is, after the sentence of the court was given. In many such cases the demand of transferring the rent certificates has been made by the Congregation in order to pay debts which they

had contracted with the Roman banks. These facts, which are undeniable, will prove the contrary of your assertion, and that of his Eminence the Cardinal Simeoni. The Propaganda can, at a moment's notice, dispose of her capital if her needs require it.

On the other hand, Mr. Wells, I can assure you that, till the present moment, the Italian Government has not held any inquest or any examination, or exercised any control of the nature of the wants of the Propaganda, nor of the disposal of the capitals, she asks to alienate, and I am sure—or at least I hope—that even in the future the government will enforce the same rule, so that the Propaganda will always have the means of borrowing the needed money from some bank or other establishment of credit, being quite sure of the authorization of the government for the sale of the rent certificates.

Here is the truth, and as you have thrown at the magistracy, at the government, at the Italian nation, a dictionary of insults, allow me, in the presence of your own countrymen, to ask you, if in so doing you were acting in good or bad faith. If you were sincere, I will take the opportunity of giving you some good advice,—never for the future speak upon any subject before you have studied it. I flatter myself that the following list of thirty-seven different demands made by the Propaganda and granted by the government, will serve to enlighten the Canadian Catholics, for whom more especially I write these lines, as I have so often repeated.

If, on the contrary, which I will not believe or suppose, you were acting in bad faith, wishing only to persuade

and not to insult, I will forget your baseness, and I will make an appeal to the same God you have invoked.

As for the gratuitous assertions with which you close your little invective, I can with confidence answer you.

The certificates of rent of the state are not a sham or an illusory phantom, or a mockery, as you affected to believe. They are real,—and can be negotiated at any moment. No, Mr. Wells, the Italian Government does not try to deceive the Catholics, or the Pope, or God. God knows it, because He sees and knows all. The Pope knows it, because on thirty-seven different occasions he has received the full value; and I hope the Canadian Catholic people will know it as soon as they have read this pamphlet.

The Rev. L. A. Paquet delivered a beautiful speech. He describes the Propaganda's College, and he expresses the gratitude of his feelings for the institution in which he was educated. All is perfect, well, good, great,—but the conclusion he arrives at is greatly exaggerated. No,—emphatically, no. This cursing and shameful cry against the Italian Government which you believe to hear everywhere is not universal. No,—a thousand times, no! All the Roman Catholics are not blind. A great number already know the truth, and know what to think of it. No! no! the conduct of the Italian government is not everywhere misconstrued and unknown as it is in Canada. The danger is not so great as Mr. L. A. Paquet supposes it; and even if it was, Rev. sir, allow me to encroach for a moment on the province of the priest, and address to you a consoling word.

Look at Him who suffered so much for mankind, and never pronounced a word of clamour or of curse.

Here I return to the illustrious rector of the University, who delivered the last speech. His words are deserving to be taken into consideration. First, I mark the famous words, "robbed,—spoiled." Those who have had the patience to follow me know well that the words "robbed" and "spoliation" imply an error or a lie, according as they are used in good or bad faith.

"His Holiness has resolved to search out of Italy centres of administration, whose security will be a guarantee, on account of the honesty of the government, under whose protection those centres shall be placed."

Good, sir, His Holiness can do what he likes; the Italian Government will never interfere with anything relative to the administration of the Catholic world, but allow me one simple observation on the words "under whose protection." It will be difficult, sir, to find in Europe governments whose laws will be more favourable to the religious congregations than the Italian. To enlighten the Canadian people, allow me to pass in review the different legislations of the various countries of Europe.

SPAIN.—Country of the purest Catholicism, and of the purest faith. Let us consider the Spanish law. The religious corporations, which were not abolished by the decree of the 18th October, 1868, can come in possession of estates, just as they can do in Italy; but, as in Italy, they are obliged to convert them into rent certificates,—as everyone could be convinced by perusing the various laws of the 1st March, 1855, 11th July, 1856, and 2nd

October, 1858; the convention between the Holy See, dated 25th August, 1859, and the convention enforced by the law of the 7th April, 1861. The principle of converting the said estates, sanctioned by the said laws, is even acknowledged in the convention; but it appears as if it was dictated by a mutual agreement, contracted in view of the bad condition of these estates, of their complicated administration, and of the difficulty in establishing their real value.

By the law of the 31st December, 1876, the estates belonging to the Institution of the Pie School, and those belonging to the Sisters of Charity, of St. Francis of Paola, are only excluded by the obligation of converting the estates into rent.

Every congregation can alienate it; and in Spain to do it it is only necessary to obtain the consent of the diocesan bishop who, as every one knows, in Spain is nominated by the king, and has the rank of a public functionary.

In spite of all that, a very ancient law, which is yet in force, limits the power of alienation or sale to a certain number of determined cases.

PORTUGAL.--In Portugal the laws of the 11th April, 1861, 22nd June, 1866, and 28th June, 1869, are those which govern the religious corporations.

Every corporation, called of mortmain, be it for a religious purpose or instruction, cannot possess any estate.

According to a very old Portuguese law, which goes back as far as the reign of King Alphonse IV, in the 13th century, it was forbidden for the corporations of mortmain to possess estates. When by donation or legacy

they came into possession of such, they were forced to alienate them by an emphyteutic contract in the space of one year and a day. In time the kings made different concessions. At present, on the contrary, the obligation of redeeming and converting the mortmain estates in Portugal is strictly imposed and applied to every corporation, with the only exception of the estates or establishments necessary for the use of the said corporations and their adjoining gardens.

In Portugal this explicit law is applied as well to the national as to the foreign corporations. In case of new legacies they are obliged to convert them into rent certificates.

AUSTRIA.—In Austria the Catholic Church and the Catholic institutions can acquire and possess, without any limit, properties and estates, be it by donation, succession, will or legacy,—the Concordat of the year 1855 having abolished the law of redemption, which limited such power.

The Concordat was abolished in its turn by the first article of the law, 7th May, 1874, without having been put in operation beyond the old legal limits.

The 7th article of the fundamental law of the state, of 21st December, 1867, contains the declaration that by a consecutive bill some restrictions will be adopted against the mortmain,—as well for the acquisition as for the disposition of such estate ; but till now such legislative despotisms have not been passed.

The Catholic Church in Austria can sell its property and estates, and can mortgage them ; only the 31st article of the law of the 7th May, 1874, has abrogated those or-

dinances by which every transaction was subject to the approbation of the Roman court, keeping for the rest the very large ordinance which requires the approbation of His Majesty the Emperor, in order to sell and mortgage any ecclesiastical estate which exceeds the value of 100 florins,—the procedure varying in accord of the increase of their value of 1,000, or 8,000, or 20,000 florins.

FRANCE.—In regard to the associations or *œuvres* which, in some way, are destined to the religious propaganda, there exists in France quite a different rule.

The missions, so called *interieures*,—that is those whose fields extended only to the interior of France,—are governed by an explicit interdiction, in virtue of a decree of the 26th September, 1809, which has never since been abrogated.

The missions—*exterieures*—are not subject to the same positive interdiction, but are not authorized. Four congregations only pretend to have been legitimately recognized, by a decree in date of the 8th Messidor XII. This pretention is contested, but in fact no one opposes any difficulty to the recognition of the personalities of these four congregations whose special business is to recruit the clergy for the colonies, and which are called Lazaristes, Fathers of foreign missions, Fathers of the Holy Ghost, and Sulpiciens. These four congregations, then, by an exception, and as if they were true persons, have the right to acquire. Nevertheless, the guardianship of the government is exercised over each one of their actions by an authorization of the President of the Republic,—an authorization which he grants in the Council of State. On several different occasions these four congregations have

endeavoured to emancipate themselves from this guardianship, but their efforts were always without result, on account of the explicit declarations of the French Senate (sitting on the 21st June, 1867, and 3rd March, 1868). The State's guardianship is not only exercised especially and particularly in the interest of the families, which could be ruined by unjust dispositions of the testators, but is even exercised for the benefit of the public interest with the aim and intention of preventing the increase of mortmain. For this reason the Council of State never authorizes in favour of the said four congregations the acceptance of legacies of estates, except on the condition that these estates shall be alienated without delay, and with the obligation to invest the received price in rent's certificates.

Outside of these four congregations, which enjoy an exceptional treatment, juridicial personality is refused absolutely to every other congregation, and especially to the Propaganda, which is more generally known under the name of the Propaganda of Lyons.

The Council of State has always refused to deliberate on the liberalities done in favour of the Lyons Propaganda, because by law she has no existence (opinions 9th July, 1877, 27th October, 1875, 22nd October, 1879, 19th February, 1884, 5th March, 1884, and 11th March, 1884). The corporations and congregations not recognized—amongst which is the Propaganda of Lyons—exist only because the government pretend not to know of their existence; and whatever contract is made by them is void. Those beings not having a juridicial life, are obliged to address themselves to the mediation of third persons, and

have been obliged to resort to certain expedients in accordance with the disposition of the civil and criminal code, taking the form of civil and commercial society,—nevertheless, the guardianship and the surveillance is exercised in a very different manner.

After this brief sketch of the different laws of the various nations of Europe, I do not see what the Propaganda could gain in creating centres of administration in different parts of the world. If these different succursales are simply destined to receive money and offerings, like the St. Peter's pence, continuing to keep in Rome the management of the collected money, this will not interfere with the sentence of the court. The Propaganda would continue to exercise the right which she always exercised. But, on the contrary, if these new *procures*, as you call them, are so many different administrations of the Propaganda, in many cases the only advantage the Propaganda would obtain would be to find elsewhere conditions as burdensome, and probably more burdensome than those of Italy,—and for which you have organized your great demonstration.

“What a shame for Italy to see the marks of dishonesty stamped on the forehead of the government.” Old Horace's ode will answer for me.

Si fractus illabatur orbis impavidum ferient ruinae.

I am the obscurest of the Italians, I am here in a country far from my own, and yet, amongst the Canadians, who are my brethren, I am not ashamed of my country's government; and I hope that those who read these pages with impartiality, will acknowledge that right and justice

in this question is on the side of the government,—because all that has been affirmed against it is incorrect.

Shame ordinarily follows a bad action, and the Italian Government in this question, having done its duty, has no reason to blush.

If the Propaganda will not longer trust the Italian Government, the latter, happy in the accomplishment of its own duty, will console itself by considering that confidence is like love—it cannot be commanded.

In reading the end of your speech, it seems to me that those centres are destined to receive offerings or the alms for the Propaganda.

In such a serious question, I would not indulge in any wit, but it seems to me that if, as Mr. Wells says, the Italian Government does not run on gold or silver, for a stronger reason I could loudly cry, "Canadians beware of your purse." Those gentlemen who have created so much noise, have arrived at the point of perverting facts, and narrating falsehood only for the purpose of asking for your money; and I am the more disposed to believe it from the fact that you, sir, go on saying that the cause of the great honor of two procures granted to the Canadians must be attributed to the confidence they had, not only in their ardent faith, but also and especially in their proverbial generosity. If this proposition be true, I pray you to forgive me; but allow me to say that it would have been better if, to obtain those abundant offerings, alms and subscriptions, you had taken the right and shortest way.

Why do you try to appear as persecuted? To what purpose are your slanders? Why do you not say frankly

and honestly,—“The Propaganda needs money, His Holiness relies on the generosity of all the Catholics, and has resolved to open in twenty-three different places centres destined to receive the money?”

In such way, by not offending, you would have acted honestly—avoiding to impose upon the good faith of the Catholics by false reports about the deeds of the Italian Government.

Now that I have denounced all the errors propounded at the great meeting of protestation of the University of Laval, I will add some general considerations about this question.

And before all—everywhere in Canada—it is said, it is preached that the Italian Government is infidel, atheistic, and an enemy of every religion. To convince my readers of the contrary, if I can, I shall quote the words that Signor Mancini, Minister of Foreign affairs, pronounced in the sitting of the Chamber of Deputies, on the 7th April, 1884.

“I feel it my duty to declare to the Chamber, with all sincerity, that if, in the Catholic world there exists an institution which inspires the Italian Government, and my personal feelings with a lively and cordial sympathy, and the wish to do all that is believed necessary to help her in the accomplishment of her high mission, surely it is the Propaganda. Whenever possible I have protected her missionaries in the most distant countries (you had a proof with the Soudan’s Missionaries) as well as all the delegates of the Holy See, who are going to exercise their ministry in barbarous countries at enormous distances ; because it may happen that some Catholic priests

here in Italy, be it for political passion, be it because of our relations with the Papacy, may make themselves guilty of a crime against their country, and forget that they could be at the same time good clergymen and good citizens; in my mind the priest who, at the risk of his life, goes among savage people to preach the Gospel and to bring civilization, is a soldier, a precursor of a new light; and for that reason he deserves my favour, and he has the right that the flag of his nation cover him with a powerful protection. I should never forget that he is the messenger of a noble institution, and that he accomplishes amongst barbarous people an apostolate of charity and virtue."

These are the words of our foreign minister, who adds : " We wished to contribute to make this institution ever more powerful and more strong, and to encourage her with our assistance ; but in spite of our good will, we shall never succeed, because, even in the future, there will be those who, choosing every pretext, will continue to take advantage of every occasion which could excite animosity and cause embarrassment to the Italian Government."

Canadians, you are free to doubt the sincerity of the words of the Italian minister, but please can you explain to me the cause of the applauses which followed these words ? Do not these applauses show plainly that every one in Italy has the same respect for religion ?

Mén as eminent as those who have spoken in Laval's University ought to know well that the sentence of the

Court, for which they have and are making such a noise, is an irrevokable sentence, emanating from an independent and sovereign power. They ought to know also about what the supreme court has pronounced her opinions; that is on the right application of the laws of the 7th July, 1866, and 15th August, 1867; laws which, as I have already told you, with few modifications, and after a parliamentary debate, were applied to the Roman provinces. Here it is worth while to observe how some have endeavoured improperly to call to their help, the Garantees law (13 Mai, 1871), which, in its fourth article, speaks of religious corporations, but does not comprise assuredly in this number the Propaganda, which, having her own patrimony, is not amongst those for which the Holy See ought to provide with the annual donation of 3,325,000 francs.

I have translated the decision of the supreme court, in order that everybody might be acquainted with it. In the legal part of their decision you will see the reason why the Propaganda cannot be excluded from the conversion. You saw how the Italian government does not make any profit in changing the estates into rent's certificates, you have seen how, for seven years, the Propaganda has acted in friendly terms with the committee charged with the liquidation; you have observed how the suspension of the sale took place only after the Propaganda asked that the tribunal of Rome would exclude her from the conversion of the estates. I have proved to you how the Propaganda, in the said conversion, has gained and not lost; you have seen how she can choose the stock she wished

for ; we have seen how immediately—in an instant, so saying—she could transfer them ; we have seen how the government has never asked any account of the employment of the sums she has wished to alienate ; and, after all that, please tell me, where is the spoliation ? where is the injustice ? where is the reason of protesting ?

Every country has its own laws, and the stranger as well as the citizen ought to submit to them.

Now, Canadians, I ask you, what can be the result of your protest. Do you believe that such clever governments as those of France, England, Spain, Portugal, Austria and Prussia, who are neighbors of Italy, would have let pass in silence a decision which could have violated the rights of their own catholic citizens, or which could have been a theft or an injustice ?

In my preface I made allusion to those who search for every pretext, however contemptible, to bring trouble upon the Church's chief, and to affect the conscience of the catholics ; thus to force other governments to address complaints or advices, which could have been interpreted in the Papacy's business.

Such people do not deserve to be listened to. The Christian religion is founded on love, and not on hatred. Jesus preached the respect of the laws,—Jesus preached love even toward our enemies. Love for religion is not shown by provoking hatred and rage. He who thus acts is not a follower of Christ, but rather a follower of satan.

At King Humbert's side is an old man, respected and venerated by the royal family, by the government, by the Italian nation. This man is His Holiness ; to him

only belongs the right to raise the voice if he thinks it necessary. His voice, in religious questions, believe me, is, and will be, more heard than yours; and to every one who would try to raise your passions answer him by showing this pamphlet, and saying—Read.

I was reading these lines to a Canadian catholic, my friend, and after a few observations, with joy I saw him enter into my way; when he abruptly exclaimed: "But, Signor Nobile, how is it that the Italian Government has yielded to the representation of the United States, and that the College of North America will not be sold?" "I beg your pardon," I answered him, "the question is not the same. All the estates for residence, according to the organic law of the 7th July, 1866, by right are excluded from the conversion. When Mr. Astor, ambassador of the United States, wished to present to the Italian Government a note on this subject, the foreign minister remarked to him that such a note would be inadmissible, inasmuch as the government was compelled not to admit any foreign intervention; and then also because a petition had been already presented by the advocates of the Propaganda. The matter was to be considered. The result of this consideration was the above. You will see that if the American College has not been sold it was not on account of the remonstrances of the American Government, but because, being a residence, it was excluded from the conversion. You may doubt my word, but to convince you, you may address yourself to the State Department at Washington, and request M. Lange-lier to do the same. At these words, my friend, bending the head, acknowledged, "You are right, we are deceived."

DOCUMENTARY EVIDENCE.

SENTENCE OF THE COURT OF APPEALS.

In the name of His Majesty Humbert I, by the grace of God and the will of the nation, King of Italy :

The court of appeals sitting at Rome in united divisions, before His Excellency Senator Professor Cav. JOSEPH MIRAGLIA, Chief Justice, Count Senator FRANCIS GHIGLIERI, division president, and the illustrious councillors commander FRANCIS PANTANETTI, commander GAYETAN CHERICO, commander ORONZO DE DONNO, commander NICHOLAS MOTTOLA, commander JOSEPH TOSI, commander NICHOLAS TONDI, commander BIAGIO GUGLIELMOTTI, commander TANCREDE CANONICO, commander ANGELO SPERA, commander ASSUERUS TARTUFARI, commander ANTHONY GIUDICE, PETER ELLERO and commander VICTOR GRIMALDI, has pronounced the following judgement in the case between the Congregation of Propaganda fide and for her Monsignor Ignatius Masotti, Secretary, domiciliated at Rome, represented by the advocates John Baptist DeDominicis Tosti, Thomas Corsi, Anthony Giordano and Vincent Sifoni, by special order of procuration of the 9th day of May, 1882, and the royal commissioner for the liquidation of the ecclesiastical estates, domiciliated at Rome, represented by the advocate Adrianus Mari, by special order of procuration, in date of the 13th February, 1882.

Having read the sentence of the court of appeal, of Ancona, published on the 14th day of December, 1881, and registered the 19th of the same month at N. 2059, on payment of 24 francs.

Having read the case submitted by the Congregation of the Propaganda fide, demanding the annulling of the said sentence.

Having read the case produced by the royal commissioner charged with the liquidation of the Ecclesiastical property in the Roman provinces.

Having heard what was said by the Councillor Commander Tartufari at the public audience of the 29th day of February, 1884.

Having heard the advocates for all parties, namely, for the Propaganda's Congregation, the advocates DeDominicis Tosti and Giordani, and for the Royal Commissioner, the advocate Mari ;

And having heard His Excellence the Attorney-General Senator DeFalco urging the rejection of the appeal.

THE CASE.

In the month of May, 1880, having been published by the Royal Commissioner charged with the liquidation of the ecclesiastical estates at Rome the advertisement for the sale at public auction of certain real estates belonging to the congregation of the Propaganda fide, to convert the price in public consolid. this last before the day appointed for the auction opposed citing the royal commissioner to appear before the Court to order the suspension of the sale, and to declare that the real estates of that congregation are not subjected to the conversion of the real estates.

Firstly, the lower Court, and after the Court of Appeal in Rome had refused the demand, but after appeal brought forth by the congregation, this Court, judging not convertible the estates of the Propaganda, because it does not consider it as a person ecclesiastical having worship for its object, quashed the sentence, remitting the case for a new trial before the Court of Appeal at Ancona.

And that Court, rejecting the appeal of the Congregation, confirmed the sentence of the first Court so far as it declared subject to conversion the reality of the said congregation.

Against the said decision the Congregation now appeals to this Court in united divisions, bringing as the only motives for annulling, the application of the Article 11th, of the law of the 7th July, 1866, and of the Articles 16, 17 and 18, of the law of the 19th June, 1873; of the Articles 1, n 6, of the law of the 15th August, 1867; and of the Article 360, n 6, of the civil code.

There is a contra appeal.

RIGHT.

Whereas, according to the Article of the law of 7th July, 1866, which oblige to conversion all the reality of every ecclesiastical person which does not fall under the law of the suppression, making only an exception in favour of the parishes benefices, the only point to determine in this present judgment is, in determining if the Propaganda ought or ought not to be classified among the ecclesiastical persons to which the above law refers.

As by the fact of the administration which the government created for the execution of the law, the controversy had been brought before the Court, we must confine this question to the ground of a purely and entirely judicial question; and every consideration about the historical origin of the Institution, about his excellency, about its importance which bring its benevolent action beyond the boundary of the state, cannot influence in one or in the other side, from the moment that, for all that, the legislator has not judged to dictate a formal exception in favour of the Propaganda in the two laws of the 19th June, 1873, and 13th May, 1871, by which, in the city of Rome, was decreed the conversion, and was ordered the matter concerning it, and from the moment in which is put out of question and of doubt the immunity of the Propaganda, there we do not discuss of nothing else than this obligatory transformation of the patrimony, which, without

touching at the existence of the Congregation, is obligatory for all the ecclesiastical corporations founded in the kingdom.

Whereas, this fact being granted, it seems not only difficult but even impossible to doubt of the ecclesiastical character of the Propaganda's congregation. Decreed with a pontifical bull which is at the same time an act of suzerainty and of spiritual power, the first giving *the life*, the second the *character*, destined for an evangelical propaganda, which is the most eminent perception of the catholic faith, administered by a congregation classed amongst the ecclesiastical and not the secular, protected under the past papal government by special privileges of jurisdiction belonging to the religious establishments, nothing truly is wanted of the origin, aim, administration and dependence by which in general is imposed on an institution the mark of ecclesiasticity. Consequently, this being the only condition asked by the law, the opposition to the obligation on the part of the propaganda to the conversion of its patrimonial reality is quite impossible.

Whereas, to exclude it from the conversion is not enough to maintain that in this case, we are brought face to face with an institution *sui generis*, which do not exercise the worship, because the speciality of the institution which it may be, do not take it from being an ecclesiastical moral person, neither for what regard the conversion it seems just to conclude, that by the n. 6 of the article first in the law of the 15th August, 1867, was confined the signification of the ecclesiastical, as to include in that name only the foundation, having for object the culte—and in fact (leaving aside to search if it is a worship or not the work to which the Propaganda's congregation dedicate itself with its catholic missions, and granting as it is true, that the two laws of July, 1866. and August, 1867, mutually complete themselves as a codification of a complex matter) to the person who reads the n. 6 of the first article of this last law without cutting out anything clearly appears, that the same law, instead of adding a restrictive signification to the ecclesiastical, rightly employed in every part of the two laws it is widened, and increased its comprehensibility to the effects of the suppression, declaring not recognised as moral persons even the institutions with a character of perpetuity, which, under any denomination or titles, are generally qualified as foundation or pious legacy, belonging the culte even when they would not be erected in ecclesiastical title; and from all that while by this disposition the scythe of the suppression fell on persons who have not the true title of ecclesiastical, only because their exclusive object is the culte; on the other hand nothing is changed, and that disposition in nothing can and ought to influence the conversion, to which is obliged every other moral ecclesiastical person not suppressed. And of this large meaning, in which was understood the word ecclesiastic, we have a proof in the application of the conversion to the churches to prevent the doubt in jurisprudence with a posterior law not *ordered* but *declared*.

Lastly, nothing profit to the appeal to say to have been omitted almost with intention of exclusion, the name of the Propaganda amongst the persons subjected to the conversion, in the lists annexed to the bills of the law for the application to the Roman province of the dispositions for the sup-

pression and the liquidation of the ecclesiastical estates. In fact, is well known that these lists had not other value than that of statistical statements, and the exclusion or inclusion in them cannot influence the following application to the decreed law : and one must not forget that at that period the thought of excluding the Propaganda from the conversion was so far from the mind of the legislator that it was rejected an amendment by which it was left to the Propaganda, a larger choice of employing the capital that the congregation would have received on account of the same conversion.

Whereas, that being the case, without reasons they complain of the violation of the law and that the judgment given does not deserve to be censured

FOR ALL THESE REASONS

Rejects the above proposed appeal against the sentence pronounced on the 10th and published the 14th December, 1881, by the Court of Appeal of Ancona, and condemns the congregation to the loss of the deposit of fine which was fixed at one hundred and ninety francs, and also to the compensation of two hundred and fifty francs in favour of the defender of the royal commissioner for the liquidation of the ecclesiastical estates.

Given and declared at Rome, Palace Spada, seat of the Court of Cassation, this 29th day of January, 1884.

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